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Attorneys for Plaintiffs CRAIG YATES
 and DISABILITY RIGHTS ENFORCEMENT,
 EDUCATION SERVICES

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

CRAIG YATES, an individual; and
 DISABILITY RIGHTS, ENFORCEMENT,
 EDUCATION, SERVICES:HELPING
 YOU HELP OTHERS, a California public
 benefit corporation,

Plaintiffs,

v.

THE SHOE SHOW, a California
 corporation dba BROOKS SHOES FOR
 KIDS; and KAM CHEUOK LEE TOY
 MARITAL TRUST,

Defendants.

CASE NO. CV-08-4765-JL

**STIPULATION OF DISMISSAL AND
~~[PROPOSED]~~ ORDER THEREON**

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the Settlement Agreement and General Release ("Agreement") herein, each party is to bear its own costs and attorneys' fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

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1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through
2 their designated counsel that the above-captioned action be and hereby is dismissed with
3 prejudice pursuant to Federal Rules of Civil Procedure Rule 41(a)(1).

4 Respectfully submitted,

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6 Dated: July 23, 2009

THOMAS E. FRANKOVICH,
A PROFESSIONAL LAW CORPORATION

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8 By: /s/
Thomas E. Frankovich
9 Attorneys for Plaintiffs CRAIG YATES and
10 DISABILITY RIGHTS ENFORCEMENT,
EDUCATION SERVICES

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12 Dated: August 24, 2009

PAUL R. KIESEL, ESQ.,
KIESEL BOUCHER LARSON

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15 By: /s/
Paul R. Kiesel, Esq.
16 Attorneys for Defendants THE SHOE SHOW, a
17 California corporation dba BROOKS SHOES FOR
18 KIDS; and KAM CHEUOK LEE TOY MARITAL
TRUST

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20 **ORDER**

21 **IT IS HEREBY ORDERED** that this matter is dismissed with prejudice pursuant to
22 Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for
23 the purpose of enforcing the parties' Settlement Agreement and General Release should such
24 enforcement be necessary.

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26 Dated: October 5, 2009

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HONORABLE JAMES LARSON
United States Magistrate Judge of California